

FOIA/PA REQUEST
Case No.: 2008-0212
Date Rec'd: 5-1-08
Specialist: Whippard
Related Case: _____

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April 28, 2008

VIA U.S. MAIL

Russell A. Nichols
FOIA/PA Officer
US Nuclear Regulatory Commission
11555 Rockville Pike
Mail Stop TS-511
Rockville, MD 20852

Re: Freedom of Information Act Request

Dear Mr. Nichols:

I am writing to request records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552, et seq. Specifically, I am requesting any records (including correspondence) related to former Governor Mark Warner.¹ I ask that you construe this request broadly.

Please search responsive records regardless of format, medium, or physical characteristics. Where possible, please produce records electronically, in PDF or TIF format on a CD-ROM.

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide an index of those documents as required under Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1972). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." Founding Church of Scientology v. Bell, 603 F.2d 945, 949 (D.C. Cir. 1979). Moreover, the Vaughn index must "describe each document or portion thereof withheld, and for **each** withholding it must discuss the consequences of supplying the sought-after information." King v. U.S. Dep't of Justice, 830

¹Mark Warner served as Governor of the State of Virginia from January 12, 2002 to January 14, 2006. He also served as managing director of Columbia Capital Corporation, and co-founder of Nextel Communications.

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F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis added). Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’” *Id.* at 224 (citing Mead Data Central v. U.S. Dep’t of the Air Force, 566 F.2d 242, 251 (D.C. Cir. 1977)).

In the event that some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. Mead Data Central, 566 F.2d at 261. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

If any requested records are located or originated in another facility or office, please refer this request to the appropriate facility or office. In the event that this request is forwarded to another office, please inform me of the identity of the office, and the address and phone number of the office to whom you forward my request.

We are willing to pay all reasonable costs incurred in locating and duplicating these materials. Please note that we do not seek this information for any commercial use. See 5 U.S.C. § 552(a)(4)(A)(ii)(III). Also, please contact me to approve any fees in excess of \$1,000.

Please respond to this request in writing within twenty (20) working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, please provide all requested records or portions of records which are available within that time period.

If you have any questions about this request or foresee any problems in releasing fully the requested records within the twenty-day period, please contact me at (202) 434-1641. Please send the requested documents to me at 607 14th Street N.W., Suite 800, Washington, DC 20005.

Very truly yours,


Kate S. Keane